

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEAN M. COLBRAY,

Plaintiff,

v.

KIEWIT INFRASTRUCTURE WEST,

Defendant.

CASE NO. 2:22-cv-1729

ORDER TO SHOW CAUSE

The Court raises this matter sua sponte. Plaintiff Dean M. Colbray filed this matter on December 6, 2022. Dkt. No. 1. He moved to appoint counsel on February 17, 2023. Dkt. No. 5. On July 5, 2023, this Court denied his motion. Dkt. No. 6. Colbray has taken no action since then. *See generally* Dkt.

Under Rule 41(b), a district court may dismiss an action for failure to prosecute or to comply with rules or a court order. *See* Fed. R. Civ. P. 41(b); *see also* LCR 41(b)(1) (“Any case that has been pending in this court for more than nine months without any proceeding of record having been taken may be dismissed by the court on its own motion for lack of prosecution.”). This Court’s power to dismiss an action for failure to prosecute “is necessary in order to prevent undue delays in

1 the disposition of pending cases and to avoid congestion in the calendars of the
2 district courts.” *Australasia Charterers Ltd. v. Worldwide Bulk Shipping Pte Ltd.*,
3 No. C21-98 RSM, 2023 WL 7300966, at *1 (W.D. Wash. Nov. 6, 2023) (citing *Link v.*
4 *Wabash R. Co.*, 370 U.S. 626, 629-30, 82 S. Ct. 1386, 8 L. Ed. 2d 734 (1962))
5 (cleaned up); *see also Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403 F.3d 683,
6 689 (9th Cir. 2005) (explaining that district courts may sua sponte dismiss actions
7 under Rule 41(b) for failure to comply with court orders or prosecute).

8 Colbray has undertaken no proceedings of record since filing his unsuccessful
9 motion to appoint counsel, and it appears that he has abandoned his case.
10 Accordingly, Colbray must write a short statement, not to exceed six (6) pages,
11 explaining why this case should not be dismissed for failure to prosecute.

12 The Court ORDERS Colbray to file his Response to this Order to Show Cause
13 no later than thirty (30) days from the date of this Order. Failure to file this
14 Response will result in dismissal of Colbray’s action.

15 Dated this 17th day of November, 2023.

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Jamal N. Whitehead
18 United States District Judge
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